

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
August 21, 2001

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:01 p.m., Tuesday, August 21, 2001, in the Board Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present:: Sheila S. Noll, Donald E. Wiggins, James S. Burgett.

Mr. Zaremba and Mr. Ashe were absent.

Also in attendance were James O. McReynolds, County Administrator; and Carla Blake-Hook, Assistant County Attorney.

Invocation. The invocation was given by Bishop Fred Reams, Church of Jesus Christ of Latter Day Saints.

Pledge of Allegiance to the Flag of the United States of America. Chairman Burgett led the Pledge of Allegiance.

HIGHWAY MATTERS

Mr. Quintin Elliott, Resident Engineer, Virginia Department of Transportation, (VDOT), appeared to discuss highway matters of interest to the Board of Supervisors, and reported he did not have any new information to report at this time.

Mrs. Noll thanked Mr. Elliott for the resurfacing that VDOT had completed, including the roads in the Lackey area. She noted she understood VDOT's goal of resurfacing one neighborhood at a time.

Mr. Wiggins discussed Dandy Loop Road and stated the surrounding low-lying areas created severe drainage problems. He explained that some of the residents' mail boxes were sitting in ditches and the ditches needed to be cleaned out. He asked if something could be done to have the mail boxes moved out of the ditches. He also reported on an area near the railroad tracks on Wolftrap Road where the road was in poor shape, noting he wasn't sure if CSX or the County was responsible for handling that area.

Mr. Elliott explained the mail boxes were regulated by the Postmaster General, but his office would check into having the them moved. He explained the road had very narrow shoulders and did not allow any room for the boxes.

Chairman Burgett mentioned a paving request from residents in the Breezy Point subdivision and asked that those roads be put on the paving schedule. He explained that VDOT had cut down a large tree near the drainage ditch at Yorktown Road and Yorkshire Drive, and he asked

VDOT to remove the logs from the ditch. He also noted that a culvert at 210 Jethro Lane had collapsed, and he asked Mr. Elliott to see about getting it repaired.

Mr. Elliott stated the culvert on Jethro Lane was scheduled to be repaired August 22 as long as no major changes occurred.

Mr. Ashe arrived at 6:10 p.m.

Mr. Ashe asked Mr. Elliott to check on the repaving of Cary's Chapel Road. He thanked Mr. Elliott for the ditch work at Cary's Chapel Road and on Calthrop Neck Road.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Burgett introduced and welcomed new members to the following Boards and Commissions:

Joseph L. Spruill	Board of Building Code Appeals
Wayne D. Harbin	Board of Building Code Appeals

CLEAN BUSINESS AWARDS

Mr. Frank Hedspeth, Department of Environmental and Development Services, appeared to present the following businesses with the Clean Business Award for the 3rd Quarter of 2001:

Lower County:	Pines of York
Mid County:	Travaini Pumps
Upper County:	Jack Rabbit Self Storage

CITIZENS COMMENT PERIOD

Ms. Jeanette Carter, 819 Baptist Road, appeared before the Board to state her displeasure regarding an article in the Daily Press concerning people living together without being married. She felt that some people are sick, which prevents them from getting married. She stated she was contemplating selling her home and moving to Texas where no laws exist about living together.

COUNTY ATTORNEY REPORTS AND REQUESTS

Mrs. Hook noted that Mr. Barnett was on vacation. She spoke of the excellent assistance the County Attorney's Office had received from its law clerk, Adam Kinsman, this year, and she stated he had returned to school.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reported on the widening of Route 171, and explained that a joint request for funding was being prepared by the County staff and Poquoson city staff for Regional Surface

Transportation Program Funds. He reported that on August 14 the Chesapeake Bay Local Assistance Department's Review Committee voted unanimously to recommend approval of the County's Comprehensive Plan amendments dealing with the Chesapeake Bay Act compliance. He noted also that VDOT would soon be putting its paving schedule together, and suggestions for streets to be paved should be sent to VDOT as soon as possible.

MATTERS PRESENTED BY THE BOARD

Mrs. Noll stated that as Chairman of the Hampton Roads Planning District Commission she attended the pipeline dedication for the opening of water lines between Isle of Wight and Suffolk. She stated negotiations were taking place between Chesapeake, Isle of Wight, Suffolk, and Portsmouth to form a water authority. She stated she felt the Peninsula was far ahead of those localities in regional cooperation. She stated a transportation kiosk had been placed in the Tabb Library, and she encouraged citizens to stop by and give their input. She spoke of the Chesapeake Bay Act, noting the County had amended its Comprehensive Plan to be in compliance. Mrs. Noll then noted that the staff was working on developing a map of water trails in the County to offer tourists. She also noted she would be attending a meeting of the NASA support team.

Mr. Ashe noted the residents on Greenland Drive and Cary's Chapel Road would like to have their roads paved. He advised citizens to be concerned with future water needs, stating that citizens in the northern end of the County, as well as in James City County, are having serious water problems. Mr. Ashe stated he had received letters of support for the Fife and Drums getting a new location, and he indicated he would like to move forward with helping them find a new location in the near future.

Mr. Wiggins spoke of the changes in the County since becoming a member of the Board, mentioning the lights at the Seaford athletic field, the new gymnasium, and the Drainage Committee. He explained that over \$3.5 million had been approved for drainage improvements. He spoke of a proposed apartment complex next to the Edgehill subdivision that some citizens were upset about, and he explained that property owners had the right to develop their property. He expressed his concern about the potential drainage problems in that area should the project materialize, but noted that the developer had withdrawn the rezoning application at this time.

Chairman Burgett stated that the Office of Economic Development would be having a business breakfast on Thursday, August 23, 7:30 a.m., at the Caritas Building. He invited businesses in York County to come out and mix and mingle. He expressed his appreciation to John Hudgins and Anna Drake, Department of Environmental and Development Services, regarding sewer installation in his neighborhood, stating they did a good job of explaining the new sewer being constructed. Chairman Burgett stated the Board would make every effort to locate a larger space for the Fifes and Drums.

CONSENT CALENDAR

Mr. McReynolds explained that the Board had received amended material for the minutes of the July 17, 2001, Regular Meeting to reflect Mr. Ashe's correction concerning the July 9 meeting. He also noted that proposed Resolution R01-159 commending the accomplishments of the York County Little League Girls Softball Team had been added to the Consent Calendar at the request of the Board.

Chairman Burgett asked that Item Nos. 4 and 6 be removed from the Consent Calendar.

Mr. Wiggins asked that Item No. 7 be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 3 and 5 respectively, and to include the addition of proposed Resolution R01-159.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Burgett
Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 3. APPROVAL OF MINUTES

The minutes of the following meetings of the York County Board of Supervisors were approved:

July 17, 2001, Regular Meeting
July 24, 2001, Adjourned Meeting

Item No. 5 EMPLOYEE OF THE QUARTER: Resolution R01-142

A RESOLUTION TO COMMEND LAUREL A. HALPERIN, RECYCLING/BEAUTIFICATION COORDINATOR, DEPARTMENT OF ENVIRONMENTAL AND DEVELOPMENT SERVICES, SOLID WASTE DIVISION, AS EMPLOYEE-OF-THE-QUARTER

WHEREAS, Ms. Halperin has been employed with the County since August of 1997 as the Recycling/Beautification Coordinator; and

WHEREAS, Ms. Halperin was appointed to the position of Acting Solid Waste Manager after a serious illness befell the Manager; and

WHEREAS, during this time the division received over 10,000 customer phone calls, processed over 32,000 tons of solid waste, 300 tons of drop-off recycled waste and receipted 6000 tons of compost/mulch while also maintaining a lower than average customer complaint rate; and

WHEREAS, Ms. Halperin successfully juggled priorities and tasks to ensure important customer services for our citizens and operational priorities regarding Solid Waste management were well maintained in addition to performing her duties as Recycling Coordinator; and

WHEREAS, Ms. Halperin is a valued employee, and her hallmarks are a strong work ethic, initiative, ability to adapt to changes, and enthusiasm while performing her job;

NOW THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that Laurel A. Halperin, Recycling/Beautification Coordinator be, and

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is hereby, congratulated upon her selection as Employee-of-the-Quarter for the quarter ended June 30, 2001.

COMMENDATION OF THE YORK COUNTY LITTLE LEAGUE SENIOR GIRL'S ALL STAR SOFTBALL TEAM: Resolution R01-159 (Added to Consent Calendar)

A RESOLUTION TO CONGRATULATE AND COMMEND THE MEMBERS OF THE YORK COUNTY LITTLE LEAGUE SENIOR GIRL'S ALL STAR SOFTBALL TEAM

WHEREAS, the York County Little League Senior Girl's All Star Softball Team consists of 14 County high school students, ages 15 and 16 years old; and

WHEREAS, the Team just completed one of its most memorable seasons, having won the local District 7, Virginia State, and the Division 4 Little League tournaments; and

WHEREAS, in winning the Southern Regional Division 4 title, the Team became the first District 7 girls' entry to advance to the Southern Regionals competition; and

WHEREAS, this outstanding team is made up of 14 members and 3 coaches:

Team Members:

Karilyn Aldrich	Kelly Barbrey
Karen Burnette	Lindsey Churchill
Kacie Crawford	Kristin Crawford
Kristina Ethridge	Aubrey Flood
Ashley Hicks	Savannah Mitchell
Heather Momany	Kristina Nagahiro
Amy Patterson	Sara Sparks

Coaches:

Jeff Crawford
John Collins
Bobby Sparks

and

WHEREAS, the York County Board of Supervisors wishes to recognize these stellar athletes and their accomplishments;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the members and coaches of the York County Little League Senior Girl's All Star Softball Team be, and they are hereby, congratulated upon achieving the local District 7, Virginia State, and the Division 4 Little League titles, as well as their advancement to the Southern Regionals competition.

BE IT FURTHER RESOLVED that the members of the York County Little League Senior Girl's All Star Softball Team also be commended for their dedication and devotion to teamwork

which has served these young people well in the team's achievement of the well deserved status as one of the top 15 teams in the United States.

Item No. 4. PUBLIC SEWER EXTENSION AGREEMENT—LAKES AT DARE, SECTION SIX: Resolution R01-146; and Item No. 6. ACCEPTANCE AND APPROPRIATION OF DONATION: Resolution R01-148 (Removed from the Consent Calendar)

Chairman Burgett asked Mr. Hudgins about the status of the berm at the Lakes at Dare project.

Mr. Hudgins replied that an amended development plan had not been received yet and indicated the matter was being pursued.

Chairman Burgett then stated it was nice for a deputy to donate \$1,890 to purchase a piece of radar equipment and asked if the budget was so inadequate that deputies have to purchase their own equipment.

Mr. McReynolds explained that Deputy Houston had inherited some money from his grandmother and he wanted to give part of that money to the County in the form of purchasing a radar unit. He spoke with representatives of the Sheriff's department who confirmed the need for this particular piece of equipment. It is anticipated that the Sheriff's Department will request replacement radar equipment next year through the budget process.

Chairman Burgett then moved the adoption of proposed Resolutions R01-146 and R01-148 that read:

Resolution R01-146:

A RESOLUTION TO AUTHORIZE AN EXTENSION OF THE COUNTY'S SANITARY SEWER SYSTEM TO THE PROPOSED LAKES AT DARE SECTION SIX SUBDIVISION, AND AUTHORIZING EXECUTION OF THE NECESSARY PUBLIC SEWER EXTENSION AGREEMENT

WHEREAS, Dare Associates, L.L.C., has requested that the County enter into a public sewer extension agreement pursuant to § 18.1-53 (b) of the York County Code to serve 62 new lots; and

WHEREAS, the plan for the proposed project has been reviewed by the County; and

WHEREAS, prior to final approval of these plans and the initiation of any construction activity, it is necessary that a determination be made as to whether or not the Board will authorize the extension of the public sewer facilities of the County to serve the proposed development; and

WHEREAS, it has been determined that sufficient capacity exists in the County's existing sewer system to serve the proposed development, or will exist when the facilities proposed by the developer are constructed; and

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WHEREAS, in accordance with the terms of Chapter 18.1 of the York County Code the total connection fee to be paid to the County for the proposed extension to serve this development has been determined to be \$116,250.00;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the Board approves the extension of the County's public sewer system to the proposed Lakes at Dare Section Six Subdivision, and that the County Administrator be, and hereby is, authorized to execute a public sewer extension agreement with Dare Associates, L.L.C. for the proposed extension; such agreement to be approved as to form by the County Attorney.

Resolution R01-148:

A RESOLUTION TO ACCEPT AND APPROPRIATE \$1,890 DONATED
TO THE YORK COUNTY SHERIFF'S OFFICE TO PURCHASE A RA-
DAR UNIT

WHEREAS, the York County Sheriff's office has received a donation of \$1,890 from Deputy Sheriff Jason W. Houston for the purchase of a radar unit for law enforcement operations;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the County Administrator be, and hereby is authorized to accept the donation.

BE IT FURTHER RESOLVED that \$1,890 be, and hereby is, appropriated in the General Fund to purchase a radar unit for the York County Sheriff's Office.

BE IT STILL FURTHER RESOLVED that additional funds received from donations for the York County Sheriff's Office be, and hereby are, appropriated in the General Fund for the support of law enforcement programs.

On roll call the vote was:

Yea: (4) Wiggins, Ashe, Noll, Burgett
Nay: (0)

ITEM NO. 7. PURCHASE AUTHORIZATION: Resolution R01-143 (Removed from the Consent Calendar)

Mr. Wiggins asked about the use of the new knuckle boom truck.

Mr. Hudgins stated this was a special truck, and when one of the other two knuckle booms were down, this one could be used. He explained the trucks were old, and it was difficult to get parts for them when they break down. He explained that this purchase was being made to put this new one into service and to take one of the old ones out.

Mr. Wiggins stated it will also allow leaves to be picked up in a shorter length of time than in previous years, and it will also be used to help with drainage problems.

Mr. Wiggins then moved the adoption of proposed Resolution R01-143 which reads:

A RESOLUTION TO PROCURE A KNUCKLE BOOM LOADER TRUCK
FOR THE WASTE MANAGEMENT CENTER

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the County Administrator be, and hereby is, authorized to conclude procurement arrangements for the following:

	<u>AMOUNT</u>
Knuckle Boom Loader Truck	\$98,205

On roll call the vote was:

Yea: (4) Ashe, Noll, Wiggins, Burgett
Nay: (0)

Meeting Recessed. At 7:52 p.m. Chairman Burgett declared a short recess.

Meeting Reconvened. At 8:01 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

DARE HEIGHTS SEWER PROJECT

Mrs. Hook made a presentation on proposed Resolution R01-144 to declare the Board's intent to enter and take necessary easements and property regarding the Dare Heights sewer project.

Chairman Burgett called to order a public hearing on proposed Resolution R01-144 that was duly advertised as required by law and is entitled:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS AND OTHER PROPERTY IN
CONNECTION WITH THE DARE HEIGHTS SEWER PROJECT

There being no one present who wished to speak concerning the subject Resolution, Chairman Burgett closed the public hearing.

Mrs. Noll then moved the adoption of proposed Resolution R01-144 that reads:

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A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE CERTAIN EASEMENTS AND OTHER PROPERTY IN
CONNECTION WITH THE DARE HEIGHTS SEWER PROJECT

WHEREAS, it is necessary to obtain certain easements and other property in connection with the Dare Heights sewer project; and

WHEREAS, for various reasons the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Precision Measurements, Inc. and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 E, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding, maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Dare Heights sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated August 1, 2001, and incorporated herein by this reference:

Property Adjacent to Tax Parcel 30A-1-26A	"Plat of Parcel Acquisition From: The Harry O'Neil Estate, To: County of York, Virginia, Project: Dare Heights Sanitary Sewer Improvements," as shown on the referenced plat dated December 20, 2000, prepared by Precision Measurements, Inc., and designated as "Parcel Hereby Conveyed to York County, 10,892 sq. ft." Value offered to Owner: \$1,960.00
Property Adjacent to Tax Parcel 30Q-2-3	"Plat of Easement Acquisition From: The Harry O'Neil Estate, To: County of York, Virginia, Project: Dare Heights Sanitary Sewer Improvements," as shown on the referenced plat dated December 6, 2000, prepared by Precision Measurements, Inc. and designated as "Variable Width Permanent Utility Easement Hereby Conveyed to York County, 5,669 sq. ft." Value offered to Owner: \$3,424.00.
Tax Parcel 30Q-1-31	"Plat of Easement Acquisition From: Franklin I. Harris, Jr., et ux, To: County of York, Virginia, Project: Dare Heights Sanitary Sewer Improvements," as shown on the referenced plat dated November 29, 2000, prepared by

Precision Measurements, Inc. and designated as a "Permanent Utility Easement Hereby Conveyed to York County, 220 sq. ft." Value offered to Owner: \$119.00.

Tax Parcel 30Q-1-32

"Plat of Easement Acquisition From: Franklin I. Harris, Jr., et ux, To: County of York, Virginia, Project: Dare Heights Sanitary Sewer Improvements," as shown on the referenced plat dated November 29, 2000, prepared by Precision Measurements, Inc. and designated as a "Permanent Utility Easement Hereby Conveyed to York County, 220 sq. ft." Value offered to Owner: \$37.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute certificates to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amounts set forth above as the fair value, and damages if any, of the interests to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easements sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Burgett
Nay: (0)

APPLICATION NO. ZM-59-01 (CONDITIONAL), JAMES L. CLAYTON

Mr. J. Mark Carter, Planning and Zoning Manager, made a presentation on Application No. ZM-59-01 to reclassify approximately 3.76 acres located at the northeast corner of the intersection of Dare Road and Allens Mill Road from Rural Residential to Medium-Density Single Family, subject to conditions voluntarily proffered by the property owners. The Planning Commission considered the application and made a recommendation to deny the application. Staff recommended approval of the application through the adoption of proposed Ordinance No. 01-18.

Mrs. Noll expressed her concerns that any development of the property was subject to the provisions of the environmental management area. She stated she was troubled that the proposed common driveway was so close to the Chesapeake Bay preservation areas. She asked about new materials that could be used for the private road to minimize its environmental impact.

Mr. Carter stated there was a more pervious type of asphalt, and he pointed out that the 100-foot Chesapeake Bay RPA buffer would be required on the eastern side of the property. It cannot be disturbed and may cause the lot yield to go from six to five. He stated that the full buffer would have to be provided adjacent to the wetlands.

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Chairman Burgett asked what Mill Cove was zoned when it was built.

Mr. Carter stated he thought it had always been zoned RR or, its predecessor, the A1 district. He stated that years ago those districts allowed lot sizes as small as 20,000 square feet. It was in 1977 that the lot sizes were increased to the one- or two-acre size without utilities.

Mr. James Clayton, 150 Lone Oak Drive, the applicant, offered to answer any questions the Board members had concerning the rezoning.

Mr. Wiggins asked about the trees on Dare Road and how far the privacy fence would be from the road.

Mr. Clayton displayed photographs and explained the plan for the privacy fence.

Chairman Burgett then called to order a public hearing on Application No. ZM-59-01 that was duly advertised as required by law. Proposed Ordinance No. 01-18 is entitled:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY
RECLASSIFYING APPROXIMATELY 3.76 ACRES OF LAND LO-
CATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF
DARE ROAD (ROUTE 621) AND ALLENS MILL ROAD (ROUTE 655)
FROM RR TO R20 SUBJECT TO VOLUNTARILY PROFFERED CON-
DITIONS

Mr. Daniel Kennedy, 506 Allens Mill Road, appeared to support the zoning application. He explained that 200 feet of his driveway was on Mr. Clayton's property, and he would grant Mr. Clayton an easement to the front of the lot and Mr. Clayton would grant him easement over the back of the property. He stated Mr. Clayton also agreed to run county sewer to his house, and he felt this would help the Chesapeake Bay. He offered to give his neighbor, Mr. Stepp, an easement to hook up to the same sewer system in an effort to have all of Allens Mill Road on county sewer at some point. He stated there would be no cost involved for Mr. Stepp to do this. Mr. Kennedy further explained that he liked the proposal because Mr. Clayton was going to build a turn-around by his house.

Mr. James Day, 100 Albacore Drive, stated his property abutted Mr. Clayton's property. He stated there used to be water behind his house that would accommodate large boats, but now the water was gone. He stated as development continues he was concerned with the silt build-up that was killing the wetlands.

Mr. Horace Stepp, 510 Allens Mill Road, felt there was a hidden agenda and that Mr. Kennedy and Mr. Clayton had worked out a deal for another house to be built on Mr. Kennedy's lot. He stated he had a deed of covenants that says Mr. Kennedy cannot do that. He stated the Comprehensive Plan was York County's development plan, and this plan was what people lived by in York County.

Mr. Ernest Smith, 512 Allens Mill Road, stated his opposition to the application and explained the road that was being put in would cover about 21,000 square feet of land that is now protecting the Chesapeake Bay. He mentioned the fence along Millside Way and Allens Mill Road and the danger of that intersection. He stated the fence on the right of Allens Mill Road and Dare Road was too high and not in accordance with the County Code. He further stated the fence was rotten and in need of repair. He asked that the application be denied.

Mr. Hugh Wood, 101 Old Dare Road, reminisced about his 50 years of living in the County and stated the application was wisely rejected by the Planning Commission. He discussed Winfree Lane which was developed by Mr. Clayton, and stated that it was not paved, but filled with charcoal, and no cul-de-sac was installed. He felt that the upkeep on the road would be a burden on the taxpayers.

Mr. Bernard Smith, 507 Allens Mill Road, stated the biggest objection he had to the application was the building of five to seven houses in that area. He explained that there is a lot of bicycle traffic and joggers in the area, and he was concerned for their safety. He also objected to the existing fence that is falling down. He noted the goal of the Comprehensive Plan was for the area to remain in a rural atmosphere, and that was the reason he moved to the County.

There being no one else present who wished to speak concerning the subject application, Chairman Burgett closed the public hearing.

Mr. Wiggins stated the best thing about Mr. Clayton's proposal was that it would keep the driveways off of Dare Road. He stated he had struggled with a decision but felt that Mr. Clayton had made proffers that would benefit everyone. He noted his concern that the property would be developed into six lots rather than three, but he felt the benefits to everyone concerned outweighed the addition of the houses.

Mrs. Noll also stated she felt it was a difficult decision to make and noted some of her concerns were sewers coming into the area and the traffic on Dare Road. She stated she does not like driveways coming out onto Dare Road, but she is also concerned with the impervious surface of the proposed driveway. Mrs. Noll stated the Board had received petitions from residents against the widening of Allens Mill Road, and she felt it was preferable to have one access to Allens Mill Road rather than four or more driveways onto Dare Road.

Chairman Burgett addressed a question to Chief Steve Kopczynski about the proposed road meeting the fire safety code.

Chief Kopczynski stated it was a private road, and his staff had not yet gotten into the specific site plan review. He explained that staff would typically make sure the road was of sufficient width to provide access for emergency vehicles.

Chairman Burgett asked Mr. Hudgins about the environmental impact of this small subdivision on the creek.

Mr. Hudgins stated if the development plan was approved as submitted, all of the erosion and sedimentation ordinances would have to be followed. He suggested that when the sewer goes in and the septic tanks are removed, it would improve the environmental conditions in that area.

Mrs. Noll then moved the adoption of proposed Ordinance No. 01-18 that reads:

AN ORDINANCE TO AMEND THE YORK COUNTY ZONING MAP BY RECLASSIFYING APPROXIMATELY 3.76 ACRES OF LAND LOCATED AT THE NORTHEAST CORNER OF THE INTERSECTION OF DARE ROAD (ROUTE 621) AND ALLENS MILL ROAD (ROUTE 655) FROM RR TO R20 SUBJECT TO VOLUNTARILY PROFFERED CONDITIONS

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WHEREAS, James L. Clayton has submitted Application No. ZM-59-01 (conditional), which requests to amend the York County Zoning Map by reclassifying approximately 3.76 acres of land located at the northeast corner of the intersection of Dare Road (Route 621) and Allens Mill Road (Route 655), further identified as Assessor's Parcel No. 25-477 from RR (Rural Residential) to R20 (Medium-density single family residential), subject to conditions voluntarily proffered by the property owners; and

WHEREAS, said application has been forwarded to the York County Planning Commission; and

WHEREAS, the Planning Commission does not recommend approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application in accordance with applicable procedure; and

WHEREAS, the Board has given careful consideration to the public comments with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 21st day of August, 2001, that Application No. ZM-59-01 be, and it hereby is, approved to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to R20 (Medium-density single family residential) approximately 3.76 acres of land located at the northeast corner of the intersection of Dare Road (Route 621) and Allens Mill Road (Route 655), further identified as Assessor's Parcel No. 25-477, subject to the following conditions voluntarily proffered by the property owners in the proffer statement titled "Proffers Offered By Applicant On Rezoning Application No. ZM-59-01 At Northern Intersection Of Allens Mill Road and Dare Road, York Co., VA By Contract Purchaser James L. Clayton," dated June 28, 2001 and signed by James L. Clayton, Susan Jean (conservator for Frances Riley), Daniel M. Kennedy, and Teresa D. Kennedy:

1. Applicant proffers a wooden privacy fence from corner of Allens Mill Road and Dare Road extending entire distance of property in easterly direction to end of property.
2. Applicant proffers a paved private lane within a platted thirty-foot (30') easement along northerly boundary of property so that the newly subdivided lots will have private egress and access from Allens Mill Road to each lot with the new homes facing the private lane instead of facing Dare Road. This will allow the "Street-scape" along Dare Road to remain as it is and force all traffic from these improvements back to the intersection of Allens Mill Road and Dare Road.
3. Applicant is applying for R-20 zoning of this property from its existing RR zoning. If R-20 zoning were allowed, applicant could then develop eight residential lots. However, applicant is proffering six residential lots only, (not eight); then the newly developed lots will conform to developed property on west, north and south sides of this property.
4. Applicant proffers to prohibit access from the property to Dare Road through the establishment of a "no ingress/egress" easement along the southern property line adjacent to Dare Road.

On roll call the vote was:

Yea: (3) Wiggins, Noll, Burgett
Nay: (1) Ashe

NEW BUSINESS

COLONIAL SERVICES BOARD ANNUAL PERFORMANCE CONTRACT

Mr. McReynolds made a presentation on proposed Resolution R01-147 to authorize the execution of a contract between the County of York and the Colonial Services Board for the delivery of services.

Mr. Wiggins moved the adoption of proposed Resolution R01-147 that reads:

A RESOLUTION TO AUTHORIZE EXECUTION OF A CONTRACT
BETWEEN THE COUNTY OF YORK AND THE COLONIAL SERVICES
BOARD FOR THE DELIVERY OF SERVICES

WHEREAS, Section 37.1-195 of the Code of Virginia, 1950 as amended, requires each locality to establish, singly or in combination, a community services board for the provision of mental health, mental retardation, and substance abuse services to its residents; and

WHEREAS, pursuant to this statutory provision, the County of York has established the regional Colonial Community Services Board in conjunction with James City County and the Cities of Williamsburg and Poquoson; and

WHEREAS, Section 37.1-197(A)(2) requires local governments to review and act on the Annual Performance Contract with the Community Services Board and to make appropriate appointments to that Board; and

WHEREAS, the Board of Supervisors has reviewed the proposed Performance Contract between the County of York and the Colonial Community Services Board and found it to be acceptable;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, that the proposed FY2002 Annual Performance Contract between the County of York and the Colonial Community Services Board is approved and that the County Administrator be, and he hereby is, authorized to execute the agreement and to take all actions necessary to assure that services are delivered to the citizens of York County.

On roll call the vote was:

Yea: (4) Ashe, Noll, Wiggins, Burgett
Nay: (0)

CLOSED MEETING. At 8:55 p.m. Mr. Wiggins moved that the meeting be convened in Closed Meeting pursuant to Section 2.1-344(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.1-344(a)(3) pertaining to the acquisition of real property for a public purpose.

August 21, 2001

On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Burgett

Nay: (0)

Meeting Reconvened At 9:33 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED MEET-
ING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.1-344.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 21st day of August, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (4) Wiggins, Ashe, Noll, Burgett

Nay: (0)

APPOINTMENT TO THE YORK COUNTY HISTORICAL COMMITTEE

Mr. Wiggins moved the adoption of proposed Resolution R00-154 which reads:

A RESOLUTION TO APPOINT AN ASSOCIATE MEMBER TO THE
YORK COUNTY HISTORICAL COMMITTEE

WHEREAS, Christopher P. Durand submitted his resignation as a member of the York County Historical Committee; and

WHEREAS, Mr. Durand has now requested that he be allowed to continue serving on the committee as an associate member;

August 21, 2001

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of August, 2001, that Christopher P. Durand be, and he is hereby, appointed to the York County Historical Committee as an Associate Member.

On roll call the vote was:

Yea: (4) Ashe, Noll, Wiggins, Burgett
Nay: (0)

APPOINTMENT TO THE YORK COUNTY EMPLOYEE GRIEVANCE PANEL

Mr. Ashe moved the adoption of proposed Resolution R01-145 which reads:

A RESOLUTION TO REAPPOINT ONE MEMBER TO THE EMPLOYEE
GRIEVANCE PANEL

WHEREAS, the terms of Mr. William Blanchfield and Mr. Paul Garman on the Employee Grievance Panel will expire on September 30, 2001; and

WHEREAS, both Mr. Blanchfield and Mr. Garman are eligible for reappointment; however, only Mr. Garman has expressed a desire to continue to serve on the Employee Grievance Panel; and

WHEREAS, the Board has reviewed and considered Mr. Garman's application as well as the applications of other citizens interested in serving in this capacity;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 21st day of August, 2001, that Paul Garman be reappointed as a member to the Employee Grievance Panel.

On roll call the vote was:

Yea: (4) Noll, Wiggins, Ashe, Burgett
Nay: (0)

Meeting Adjourned At 9:34 p.m. Mr. Ashe moved that the meeting be adjourned to 7:00 p.m., Tuesday, September 4, 2001, in the Board Room, York Hall, for the purpose of conducting a regular meeting.

On roll call the vote was:

Yea: (4) Wiggins, Ashe, Noll, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors